

**City of Milpitas**  
**Unapproved Minutes**  
**Telecommunications Commission**  
**February 24, 2003**

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**I. Call to Order & Roll Call:**

Chair Alcorn called the meeting to order.

Members Present: A. Alcorn, N. Gupta, P. Peterson, R. Gopalara, V. Mathur, G. Ali-Santosa, D. Gupta, W. Lam, A. Ettinger

I.S. Staff: T. Medina, E. Pasion City Council: A. Gomez

Members Absent, P. Gupta, I. Munir (excused)

**II. Pledge of Allegiance:**

The Commission recited The Pledge of Allegiance.

**III. Announcements:**

Chair Alcorn reported he and several members of the Commission attended the February 4 City Council meeting and presented the revised telecommunications master plan. The presentation was well received by council and look forward to future development in the city's overall telecommunications infrastructure.

Commissioner Santosa reported that he attended the Feb 4 council meeting as well as attended and volunteered staff the emergency operations van for radio communications at the Great Mall.

**IV. Approval of the Agenda:**

Motion to approve the agenda as submitted.

M/S D. Gupta/R. Gopalarao Ayes: 9

**V. Approval of the Minutes  
January 27, 2003**

Commissioner Santosa noted for the record that he expected the Chair and Vice Chair seats to maintain excellent attendance records.

Motion to approve the minutes as amended.

M/S G. Ali-Santosa/N. Gupta Ayes: 9

**VI. Citizen's Forum**

No comments were taken from the audience.

**VII. Continued-New Business:**

1. Wireless Antenna Request AT&T Cingular

Staff introduced Kim Duncan from the city's planning department and provided a summary of the proposed collocation antenna request form AT&T wireless and Cingular wireless at an existing location at 1000 Jacklin Road.

Chair Alcorn reported that AT&T-Cingular were agreeable to the needed changes and proper placard placement for this project. Additionally, he added that they would be providing

updated safety report information to be submitted with the final application to be given the planning staff.

Commissioner Mathur noted to the Commission he wanted to acknowledge Mayor Esteves in the audience and thanked him of attending the Commission's meeting.

Commission Santos asked of the antennas height and location. The representative from AT&T wireless noted that the antenna would reside at a height of 50 feet and the support equipment itself would be installed and operated at ground level.

Commission Gopal Rao asked if the Planning Commission has reviewed this wireless antenna project. Staff Duncan noted that the Planning Commission has not review the project at this time.

Motion to approve the project with the condition that an updated questionnaire is submitted and that proper notification be placed the fire control point of the facility for public safety necessity.

M/S D. Gupta/N. Gupta

Ayes: 9

## 2. Antenna Ordinance Review.

Staff introduced Planning Department manager Tambri Heyden. She provided a summary of the proposed updates to Section 2 of the City's zoning code for calendar year 2003.

The Planning Commission requested staff to investigate and study how other communities regulate amateur radio antennas. Currently no other communities regulate amateur radio antennas via use permit.

From the post February 5 Planning Commission meeting, the planning staff drafted recommendations allowing for antennas to exceed the zoning district height by 25 feet; limit the number of antennas, which also include television and satellite antennas, to two per lot; free-standing antennas be attached to the side or the rear of the building reducing the impacts of neighboring properties and that the antennas be also be collapsible.

Planning staff reported that input was being taken from the Telecom Commission, Citizens Advisory Commission and the Citizen Emergency Preparedness Advisory Committee. The information would be incorporated in a recommendation to the Planning Commission at its public hearing on March 26, 2003.

The draft non-commercial wireless communications facility ordinance was developed with the assistance of former Commission Vice Chair George Washburn. The documentation was provided to the Commission for discussion.

Highlights of the non-commercial wireless communications facility ordinance included seven new definitions; Amateur radio facilities, Amateur radio operator, Antennas, Commercial wireless communication facility (not requiring a use permit); non-commercial wireless communications facility (proposing not requiring a use permit); satellite dish antenna or satellite antenna and wireless communications facility. Additionally, proposed regulations would also be introduced as part of the overall ordinance update to Section 2 of the zoning code.

Regarding the overall Use Permit for 15.1, planning staff recommended that exemption may be applied to non-commercial antennas if all requirements are met and that there be no more than one antenna of the receive only type (radio, television and satellite), that there be no more one amateur radio facility. All lot coverage set backs are in compliance, building permits are obtained and that the antenna not be installed between the home and public street. Additionally, multiple antennas are group together as stated in 15.1 B. 3 of the Use Permit section.

Chair Alcorn requested clarification on the number of antennas being limited. Planning staff noted that the recommendation included all types of antenna be limited to one of each type (television, radio and satellite) per lot. The point being that to keep the number of antennas is limited for esthetic issues.

Chair Alcorn reiterated that if an ordinance is adopted that additional public input from the amateur radio operators would need to be taken, secondly the limitation of antennas would not allow for the amateur radio operators to do their communications service duties during a emergency and finally observing the fact that the city be reasonably accommodating per FCC regulations.

Commissioner Santosa noted that exceptions may need to be made for this antenna installation. He noted that amateur radio operators were involved in coordinating resources during last summer's Croy wild land fires in Morgan Hill. So public safety is an important resource to be made available and that amateur radio operators are instrumental during times of emergency. Contacting the local amateur radio operator and gathering input from them would be required before any final recommendations are made regarding the ordinance.

Planning staff noted that public input would be part of the overall program.

Planning manager Heyden also noted that the height restrictions could be exceeded with the installation of extendable tower. Chair Alcorn noted that option may be cost prohibitive for the individual who just wants to operate as a radio hobbyist and may eventually deter them from participating in this activity. He is not supportive of such cost restrictions. Commissioner Santosa noted that during and

after the events of September 11 amateur radio operators were instrumental in providing telecommunications links to emergency services; however, he did agree that there are esthetic issues with the installation of such antennas in a neighborhood. Commissioner Ettinger noted that he is an amateur radio operator and that imposing such limitations would not be reasonable but, he agreed that the esthetic issues would need to be taken into consideration. Additionally, he noted that Mr. Washburn did have multiple antennas at his home but it was installed with esthetics in mind to relations to the neighborhood.

Commissioner Mathur asked of the overall cost of a extendable antenna. Chair Alcorn noted that the documentation listed prices in the area of \$1,200 to \$16 thousand for the tower alone. Additional costs would be incurred for other equipment to support such an installation.

Planning Manager Heyden reiterated the question of what antenna height is being sought by the Commission. Commissioner D. Gupta noted what is really needed is the concerns and needs of the amateur radio operators. That input will allow for the Commission to properly address the ordinance.

Ed Conner, Milpitas resident, noted that various needs for amateur radio operators vary. The needs are for various heights of antennas and radio channels. He also added that it is good to know who is your local amateur radio operator in the event of major emergency. Noting that they would be the first point of contact for up-to-date communications.

Planning Manager Heyden noted this does not limit the number of antennas for an individual tower. Multiple antennas can be installed on a tower-mast so long as the requirements are met per manufacturers specifications.

Chair Alcorn needed clarification on 15.1.B.1. and what its intention meant. Planning Manager Heyden noted that one tower – mast.

Chair Alcorn noted, as a Telecommunications Commission, it is opposed to any regulation height and number of antennas being considered in the ordinance. Commissioner Gopal Rao disagreed. Noting that as long as it served the purpose of wanted height regulation to antenna but agreed with the overall language of the ordinance.

Commissioner Peterson noted that, being just provided the information, that this ordinance will require in-depth review and investigation. He felt it would not be in best interest of the Commission to approve without further study and input.

Commissioner D. Gupta wanted input from the amateur radio operators to better understand the impact of the ordinance.

Planning Manager Heyden noted that former Vice Chair Washburn has been assisting with this ordinance and may be providing documentation support information from the American Radio Relay League (ARRL) to possibly support a local ordinance. Noting that the ordinance would not be able to appease all parties involved.

Commissioner Santosa agreed that there would be no approval made without further input.

Commissioner Gopalarao noted that height regulation would be the only way to keep everything in check.

Commissioner D. Gupta needed clarification on the 55-foot height. Planning Manager Heyden noted that over 30 communities surveyed had on the average of 55-foot antennas. Mr. Connor added that the maximum wind load specified by the tower presented was only 50 mph. The proposed ordinance required 70 mph wind load. The ordinance also prohibits guy wires. He does not feel comfortable with the safety of a 55-foot high freestanding tower.

Commissioner Gopalarao asked if this would affect the commercial antennas. Planning Manager Heyden noted that the ordinance would not have an impact on commercial antenna installations.

Commissioner Peterson asked what was driving this item for processing. Planning Manager Heyden noted that the zoning ordinance is review twice a year for updates and amendments and could be push back to the next calendar year. She also offered to have building official present information to the Commission on the wind load issues. Additionally, Commissioner Peterson added that if an amateur radio operator lived in an apartment or condominium complex with only a front yard, the ordinance would prohibit any installation of an antenna.

Chair Alcorn wanted further discussion and input on the ordinance from the amateur radio operators at the next meeting. Additionally, he noted that 15.1 B. 5 is redundant. Planning Manager Heyden sought overall coverage of the language, which is covered in the amateur radio facility. The language could be edited.

Commissioner Mathur motioned that a subcommittee be formed to study the Planning Commission draft non-commercial wireless communications facility ordinance and report back presented to the Telecommunications Commission within a reasonable period of time.

M/S V. Mathur/D. Gupta

Ayes: 9

Members of the subcommittee would include Ravi Gopalarao Chair, Dinesh Gupta, Gunawan Ali Santosa, and Aaron Ettinger and that additional information will be gathered from

various parties being affect to develop a response for the Planning Commission.

### 3. Update of cable franchise AT&T-Comcast.

Commissioner D. Gupta provided a summary of the subcommittee's review of the cable television franchise survey questionnaire.

The original survey was very extensive and had multiple layers of questions. It was determined that the cable survey needed to be restructured and shortened. The shorten version was estimated to take 15 minutes.

Chair Alcorn noted that the technical audit scheduled to take place in April and further discussion would be provided at it next meeting in March.

Terry Medina, Deputy CIO, reported to the Commission that the public forums would take place in June or July 2003. The public forum meetings were going to be scheduled during the regular Commission's meeting.

The Deputy CIO also noted given the nature of the survey, dealing with cable television service in Milpitas, it would best serve telephone recipients to ask the most pertinent questions regarding the service first. Proceeding next to the more detailed questions of demographics and so on. This would provide timesavings for both parties involved in the survey.

Commissioner Peterson reviewed the cable survey and determined that the order and type of questions are inappropriate speaking from a resident's perspective. He noted that the questions should be directed towards cable service in Milpitas before delving into other matters.

Commissioner D. Gupta and Mathur reiterated that information would be needed to evaluate what kind and type of services are being used and what may be needed in the future.

Commissioner Peterson added that personal information questions would be detrimental in the success of the telephone survey and may result incomplete telephone surveys. Commissioner Ettinger concurred adding that personal information questions would result in an immediate hang up. The question of cable service in Milpitas should be the first series of questions at the start of the survey.

The Deputy CIO reiterated that the purpose of the survey was to rate and evaluate the performance of the current cable television franchise holder and see if it is upholding the value of its cable television subscription services to the Milpitas community.

Commissioner Gopalaraa reiterated that ultimate outcome of the cable survey should be whether the cable company is

providing a good service to the community. The subcommittee's goal is to make that survey questions benefit the community and not the cable company's needs.

Commissioner D. Gupta reiterated that the subcommittee will review that survey with the input provided by Commissioner Peterson and provided a revised survey for the next meeting.

Chair Alcorn thanked the subcommittee for the hard work and in-depth review of the cable survey questionnaire and requested that a motion was in order.

Motion to recommend to the subcommittee to review relevant and irrelevant questions pertaining to the cable survey and return the Commission for review.

M/S R. Gopalarao/A. Ettinger Ayes: 9

4. January '03 Month I.S. Report.

Deputy CIO, Medina reported on the monthly activities of the Information Services Department.

Highlights included the addition of an in-house cable channel at City Hall. Staff noted that the channel would be used primarily at City Hall for staff training and notification; integration and rollout of the Police Dept. Megan's Law web site which was presented to the City Council; rollout of a revised edition of the city's website; gathering information and cost on web casting the city's meeting over the internet; contracting services for wireless security operations for the city's virtual private network; and tracking the city's server activity.

Motion to note receipt and file.

M/S R. Gopalarao/D. Gupta Ayes: 9

5. Round Table Discussion.

Commissioner Peterson noted that if new avenues of revenue development were being considered from the city.

Deputy CIO Medina noted that the city has been investigating new and possible areas to generate revenue. One item of consideration is the sale of the city's GIS mapping information along with the rental of various city facilities at City Hall building.

Commissioner Lam reported that the City of Palo Alto has been providing fiber optic cable connectivity to its resident for high-speed Internet service. Chair Alcorn requested staff to have this item on the March 17 agenda for further discussion.

Commissioner Gopalarao noted that the wireless service could be another avenue of revenue for the City.

# **VIII. Adjournment of Meeting**

Chair Alcorn requested a motion to adjourn the to Monday, March 17, 2003.

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